

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 2. ARIZONA COMMISSION ON THE ARTS

PREAMBLE

1.

<u>Section Affected</u> Article 1 R2-2-101 R2-2-102	<u>Rulemaking Action</u> New Section New Section New Section
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2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing Statute: Title 41, Ch. 5, Article 6, and A.R.S. § 41-986
3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Mollie Lakin-Hayes
Address: Arizona Commission on the Arts
417 West Roosevelt St.
Phoenix, Arizona 85003
Telephone: (602) 255-5882
Fax: (602) 256-0282
4. An explanation of the rule, including the agency's reasons for initiating the rule:
The proposed rule identifies private monies that will be considered match to the Arizona Arts Endowment Fund (known as Arizona ArtShare), and describe the mechanisms that will be used to collect private monies. The proposed rule was initiated by the Commission as mandated by the Arizona Legislature when it created the Arizona Arts Endowment Fund.
5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
6. The preliminary summary of the economic, small business, and consumer impact:
The preliminary summary anticipates that several state agencies will experience a minimal increase in staff time, with progressively increasing revenue for the Arizona Commission on the Arts and State Treasurer; specific public entities (educational institutions, cities and counties) will experience minimal increases in staff time, and moderate to substantial revenue increases; private entities (specifically community foundations) will experience moderate increases in staff time and substantial revenue increases; private donors will experience, by choice, increased cost through substantial fiscal support to arts organizations; and non-profit arts organizations will experience, with minimal increases in staff time, substantial revenue increases. Direct impact to small businesses and consumers is not anticipated.
7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
Name: Mollie Lakin-Hayes
Address: Arizona Commission on the Arts
417 West Roosevelt Street

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Phoenix, Arizona 85003

Telephone: (602) 255-5882

Fax: (602) 256-0282

8. The time, place, and nature of the proceedings for the adoption of the rule:

Two (2) public hearings to receive input and comment are scheduled:

Date: Tuesday, June 9, 1998

Time: 10 a.m.

Location: Tucson/Pima Arts Council Board Room
240 North Stone
Tucson

Nature: Public hearing for input and comment

And

Date: Wednesday, June 10, 1998

Time: 10 a.m.

Location: Arizona Commission on the Arts Conference Room
417 West Roosevelt Street
Phoenix

Nature: Public hearing for input and comment

The record will close at 5:00PM, Wednesday, June 10, 1998. Written comments may be mailed or delivered by 5:00PM, Wednesday, June 10, 1998 to the person named in Question #7. The Commission anticipates submission of the final proposed rules package to the Governor's Regulatory Review Council for review and adoption at their meeting August 4, 1998.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

10. Incorporation by reference and their location in the rules:

None.

11. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 2. ARIZONA COMMISSION ON THE ARTS

**ARTICLE 1. MATCHING PRIVATE MONIES WITH
MONIES FROM THE ARIZONA ARTS ENDOWMENT
FUND**

Section

R2-2-101. Definitions

R2-2-102. Matching Private Monies

**ARTICLE 1. MATCHING PRIVATE MONIES WITH
MONIES FROM THE ARIZONA ARTS ENDOWMENT
FUND**

R2-2-101. Definitions

In this Article, unless the context otherwise requires:

"Arizona Arts Endowment Fund" means the fund established in A.R.S. 41-986.

"Arts Organization" means an organization that has applied for and received non-profit status under 501(c)(3) of the U.S. internal revenue code and whose primary mission is to produce, present, or serve the arts.

"Commission" means the Arizona Commission on the Arts.

"Donor-advised Fund" means monies donated to a community foundation, over which the donor or others desig-

nated by the donor retain the right to advise on grants from the fund.

"Field-of-interest Fund" means monies donated to a community foundation, that the donor restricts to grants in a specific charitable field.

"Large and Mid-Sized Arts Organizations" means non-profit Arizona arts organizations receiving support through Organization Development Program Level III, Basic Aid or Locals Aid grants programs of the Arizona Commission on the Arts.

"Matching Funds" means non-state monies collected which can be considered a match to the Arizona Arts Endowment Fund. This includes monies received from "Other Government Endowments for the Arts" and "Private Monies."

"Other Government Endowment for the Arts" means an endowment of a community college, university, city or county local arts agency.

"Private Monies" means revenue from sources other than state tax funds such as cash or securities, irrevocable deferred gifts, lead trusts, real estate, or other items that are convertible to cash. The cash value of an irrevocable deferred gift is its present value.

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"Programs" means arts activities or presentations which are promoted to the public.

"Tangible Personal Property" means an item under personal ownership that can be touched or felt, such as a car, boat, artwork, and jewelry.

R2-2-102. Matching Private Monies

- A.** The Commission shall consider private monies to be a match to the Arizona Arts Endowment Fund if the private monies are contributed as follows:
1. The donor enters into a written agreement with an endowment fund to dedicate the monies permanently;
 2. The donor designates the monies to the Arizona Arts Endowment Fund or to an endowment fund of a 501(c)(3) arts organization;
 3. The donor designates the monies to the endowment fund of an arts organization, except as provided in subsection (B); or
 4. The donor designates the monies to another government endowment fund for the arts that agrees to:
 - a. Regrant monies to arts programs; and
 - b. Use none of the monies to support for-credit classes.

B. The Commission shall not consider a donation to be a match to the Arizona Arts Endowment Fund if the donation is to an arts organization and:

1. Is tangible personal property; or
2. Is intended for use by the arts organization for its annual operating budget.

C. The Commission shall consider monies in a donor-advised fund or a field-of-interest for the arts fund the same as all other monies donated in compliance with subsection (A).

D. Funds may be held, accounted for, and named individually.

E. The Commission may enter into written agreements with 1 or more 501(c)3 community organizations to collect, invest and manage private monies. The contracted organization shall report, on a quarterly basis, on the collection of, investment of, and return on such monies to the Commission.

F. The Commission shall require annual written financial reports from arts organizations receiving monies from the Commission. The reports shall include a statement of the amount of monies received by their endowment which may be matching funds.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND ADULT CARE HOME MANAGERS

PREAMBLE

1. Sections Affected

R4-33-101
R4-33-101
R4-33-102
R4-33-102
R4-33-103
Table 1
R4-33-111
R4-33-112
R4-33-113
R4-33-201
R4-33-202
R4-33-203
R4-33-204
R4-33-205
R4-33-206
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R4-33-212
R4-33-213
R4-33-213
R4-33-214
R4-33-214

Rulemaking Action

ReNUMBER
Amend
ReNUMBER
Amend
New Section
New Table
Repeal
ReNUMBER
ReNUMBER
Amend
Amend
Amend
Amend
Amend
ReNUMBER
New Section
ReNUMBER
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Amend

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R4-33-303	Renumber
R4-33-303	New Section
R4-33-304	Renumber
R4-33-305	Renumber
R4-33-306	Renumber
R4-33-307	Renumber
R4-33-308	Renumber
R4-33-309	Renumber
R4-33-310	Renumber
R4-33-311	Renumber
R4-33-312	Renumber
Article 4	Renumber
R4-33-401	Renumber
R4-33-402	Renumber
R4-33-403	Renumber
R4-33-404	Renumber
R4-33-405	Renumber
R4-33-406	Renumber
R4-33-407	Renumber
R4-33-408	Renumber
R4-33-409	Renumber
R4-33-410	Renumber
R4-33-411	Renumber
R4-33-412	Renumber

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 36-446.03(A)

Implementing statute: A.R.S. §§ 36-446.03(B), (J), and (K); 36-446.04, 36-446.05, 36-446.06, 36-446.07, and 36-446.12

3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Christine Springer, Executive Director

Address: 1400 West Washington, Suite 230
Phoenix, Arizona 85007

Telephone: (602) 542-3095

Fax: (602) 542-3093

4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The current rules regarding nursing care institution administrators are being amended and expanded to ensure conformity with current statutory authority and rulewriting standards. Definitions used in the rules are being clarified and additional definitions are being added. Licensing time-frames are being established for all licensing activities of the Board as required by A.R.S. §41-1072 et seq. Application requirements are being clarified and made more specific. Continuing education requirements are being revised to reflect the increase in statutorily-mandated hours from 12 to 50 biannually. A new Article 3 is also being added to prescribe the requirements of the administrator-in-training program, preceptor qualifications and responsibilities, and the standards and duties for administrators-in-training. The adult care home manager article and rules are being renumbered as a result of the new article.

5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

6. **The preliminary summary of the economic, small business, and consumer impact:**

Cost impacts for the Board will be minimal and include the cost of the rule consultant assisting with this rule promulgation. These rules essentially codify the current Board practices but will result in some additional mailing costs for the Board as a result of the new licensing time frame process.

It is anticipated that there may be an increased cost for some applicants for licensing because of an increase in the passing score for licensing. Some individuals may have to take the exam more than once or may be unable to pass. The benefit of the increased passing score may be assurance of consistently high quality individuals entering the profession. At present, applicants must either have a B.A. in Health Care Administration or a closely related area, or have a B.A. in any area and complete an administrator-in-training program. The new rules will require that all applicants must complete an administrator-in-training program. This will result in an increased cost of \$375 for the Health Care Administration B.A. holders, including a \$100 application fee and \$275 in administrator-in-training program advisory committee costs. The benefit of this rule change is to assure uniform training of administrators with the expectation that they would be both better trained and provide better quality of service.

The cost impact on individual licensed administrators as a result of this rule package may be moderate, particularly in the area of

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continuing education where correspondence courses to meet the 50 hour biannual requirement will be capped at 10 hours. Currently, all 50 may presently be taken by correspondence. This means that licensees will need to obtain 40 hours of training in the more traditional seminar or college class setting. It is estimated that costs would increase by \$45 per hour or \$1800 over the 2-year period (based upon \$25 per hour for correspondence courses versus \$70 per hour for seminars and college classes). There will also now be an increase in costs for administrators desiring inactive status. Currently, no continuing education hours are required to go inactive. These rules will require that administrators be up-to-date with their continuing education prior to going on inactive status. The number of hours will be prorated depending on the amount of time the licensee was active under the licensee's current license. Potentially, a licensee desiring to go on inactive status just before the time for license renewal could incur the costs of the full 50 hours of required continuing education. With an estimate of \$70 per credit hour, this cost impact could be as much as \$3500.

In the administrator-in-training program, there will be a minimal cost for preceptor training for current licensees to become preceptors. However, they would receive the benefit of having an administrator-in-training to provide on-site assistance.

The cost of promulgating these rules will have a minimal impact on the Governor's Regulatory Review Council and the Secretary of State's Office. Minimal or no impacts are expected for any other agencies or political subdivisions of the state. Similarly, little or no cost impacts would be expected for consumers.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Christine Springer, Executive Director
Address: 1400 West Washington, Suite 230
Phoenix, Arizona 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: June 12, 1998
Time: 9 a.m.
Location: 1400 West Washington, Room 250
Nature: Public hearing to receive comments on the proposed rule package. The record will remain open until June 19, 1998, at 5 p.m. to receive written comment.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporations by reference and their location in the rules:
None.

11. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND ADULT CARE HOME MANAGERS

ARTICLE 1. GENERAL

Section

R4-33-111. Legal authority
~~R4-33-101~~ R4-33-112. Definitions
~~R4-33-102~~ R4-33-113. Board officers
R4-33-103. Licensing Time-frames
Table I. Time Frames

R4-33-206. Renewal Application
~~R4-33-207~~. Inactive Status
~~R4-33-208~~ R4-33-207. Standards of Conduct; Disciplinary Action
Suspension or Revocation
~~R4-33-209~~ R4-33-208. Rehearing or Review of Decision
~~R4-33-210~~ R4-33-209. Restoration of Revoked License
~~R4-33-211~~ R4-44-210. Display of Licenses and Board Notification
R4-33-212. Temporary Licenses
~~R4-33-213~~ R4-44-214. Denial of License or Renewal of License
~~R4-33-214~~ R4-33-216. Criteria for Continuing Education

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

Section

R4-33-201. Initial Application
R4-33-202. Licensure by Examination
R4-33-203. Licensure by Endorsement Reciprocity
R4-33-204. Qualifications for Initial License by Examination
R4-33-205. Fees

ARTICLE 3. ADMINISTRATOR-IN-TRAINING PROGRAM

Section

~~R4-33-301~~. Administrator-in-Training Program Requirements
~~R4-33-302~~. Preceptor Qualifications
~~R4-33-303~~. Administrator in Training

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**ARTICLE 4 3. ADULT CARE HOME MANAGER
CERTIFICATION**

Section

- R4-33-401 R4-33-301. Training Program Requirements
R4-33-402 R4-33-302. Eligibility for Initial Certification
R4-33-403 R4-33-303. Initial Application
R4-33-404 R4-33-304. Examination
R4-33-405 R4-33-305. Fees
R4-33-406 R4-33-306. Renewal Application
R4-33-407 R4-33-307. Standards of Conduct; Suspension or Revocation
R4-33-408 R4-33-308. Criteria for Continuing Education
R4-33-409 R4-33-309. Display of Certificate
R4-33-410 R4-33-310. Temporary Certificates
R4-33-411 R4-33-311. Denial of Certificate
R4-33-412 R4-33-312. Rehearing or Review of Decision

ARTICLE 1. GENERAL

R4-33-111. Legal authority

These regulations are promulgated pursuant to Title 36, Chapter 4, Article 6, Arizona Revised Statutes for the purpose of administering the Nursing Care Institution Administrators' Licensing Act.

R4-33-101 R4-33-112. Definitions

A. Words and phrases defined in A.R.S. § 36-446 have the same meaning when used in this Chapter.

B. In this Article, unless the context otherwise specified, the following terms mean requires:

1. "Accredited" means accredited by the North Central Association of Colleges and Secondary Schools, or other recognized regional accrediting association ~~New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools or the Western Association of Schools and Colleges.~~
2. "Administrator in training" or "AIT" ~~means~~ is a person who is taking an NAB-approved AIT program for training to be licensed as an administrator for a nursing care institution.
3. "AIT Program" means a ~~an~~ NAB-approved training program lasting 6 months or more conducted as an educational experience in a licensed nursing care institution. Six months means a period equivalent to 40 hours per week for 25 weeks.
4. "ACHCA Certified" means certified through the Professional Certification Program administered by the American College of Health Care Administrators.
5. "AzACHCA" means the Arizona chapter of the American College of Health Care Administrators.
6. "Contact hour" means an hour where the administrator ~~or manager~~ is physically present at an ~~instructional~~ institutional activity which is to be utilized for continuing education credit and initial training required for adult care home managers.
7. "Program of study" means a total educational program offered by an accredited institution covering all or a portion of the subject matter in R4-33-204.A.3.
8. "Good standing" means that a licensee is the holder of a current and valid license and not subject to any disciplinary action or consent order and is not currently under investigation for alleged unprofessional conduct.
9. "NAB" means the National Association of Board of Examiners for Nursing Home Administrators.

9. "Preceptor" means a practicing nursing care institution administrator who undertakes the role of teacher through the tutorial process, who has taken a board approved preceptor training course, and helps to develop a new professional in the field of long-term care administration.

10 7. "Program Advisory Committee" means the professional advisory committee comprised of practicing nursing care administrators which provides oversight to AITs and ensures the application of uniform training standards and guidelines outlined in the NAB approved AIT Program.

11 8. "Qualified instructor" means a person who meets 1 or more of the following criteria:

- a. A registered nurse, licensed pursuant to A.R.S. Title 32, Chapter 15;
- b. An instructor employed by an accredited junior college, university program or health care institution to teach health care related courses;
- c. A certified adult care home manager who has had at least two years' experience in Arizona providing care to clients in an adult care home, a registered residential care home, or a licensed care facility; or
- d. A person or entity who possesses a combination of education and training equivalent to the qualifications listed above.

12 9. "Training program" means an educational program approved by the Board of Examiners of Nursing Care Institution Administrators and Adult Care Home Managers pursuant to in accordance with the requirements of A.R.S. §§ 36-448.11 and 36-446.04(A)(2) and (B)(2).

9. "Weighted scale score" means the scoring mechanism based on degree of difficulty of the national examination which was approved by the National Board of Examiners for Nursing Care Institution Administrators (NAB) in conjunction with the Professional Examination Service (PES).

R4-33-102 R4-33-113. Board Officers officers

A. At its 1st annual meeting, the Board shall will elect from among its membership a president, vice-president and a secretary- treasurer.

B. The functions, duties and limitations of these officers shall be are as follows:

1. President. ~~The~~ the president is the chief officer of the Board. The president shall call and preside at all meetings of the Board. The president shall act as chief officer of the board have all powers consistent with his office, appoint committees, and or delegate such authority to other members of the Board as needed.
2. Vice-president. ~~The~~ the vice-president shall preside at Board meetings in the absence of the president and may exercise all the powers and duties of the president in the absence of the president.
3. Secretary-treasurer. ~~The~~ the secretary-treasurer shall be responsible for the minutes of all meetings, monitor the attendance of members, and keep account of all monies that are collected and disbursed by the Board.

C. The Board officers shall serve for a term of 1 one year. No officer may serve more than 2 two consecutive terms.

R4-33-103. Time-frames for Licenses, Certifications, and Approvals

A. For each type of license, certification, approval, or renewal of license or certification issued by the Board, the overall time

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- frame described in A.R.S. § 41-1072(2) is set forth in Table 1.
- B.** For each type of license, certification, approval, or renewal of license or certification issued by the Board, the administrative completeness review time frame described in A.R.S. §41-1072(1) is set forth in Table 1 and begins on the date the Board receives an application and all required documents and information.
1. If the required application is not administratively complete, the Board shall send to an applicant, a deficiency notice.
 - a. The deficiency notice shall state each deficiency and the information needed to complete the application and documents.
 - b. Within the time provided in Table 1 for response to the deficiency notice, beginning on the mailing date of the deficiency notice, the applicant shall submit to the Board the missing information specified in the deficiency notice. The time frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information.
 2. If the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
 3. If the application and submitted information do not contain all of the components required by statute or this Chapter, the Board shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn.
- C.** For each type of license, certification, approval, or renewal of license or certification issued by the Board, the substantive review time frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.
1. During the substantive review time frame, the Board may make 1 comprehensive written request for additional information. Within the time provided in Table 1 for response to a comprehensive written request for additional information, beginning on the mailing date of the comprehensive written request for additional information, the applicant shall submit to the Board the requested additional information. The time frame for the Board to finish the substantive review is suspended from the date the Board provides the comprehensive written request for additional information to the applicant until the Board receives the requested additional information.
 2. The Board shall issue a written notice of denial of license or renewal of license if the Board determines that the applicant does not meet all of the substantive criteria required by statute or this Chapter for licensing, certification, approval, or renewal of license or certification.
 3. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time frame in Table 1.
 4. If the applicant meets all of the substantive criteria required by statute or this Chapter for license, certification, approval, or renewal of license or certification, the Board shall issue the license, certification, approval, or renewal of license or certification to the applicant.
- D.** In computing any period of time prescribed in this section, the day of the act, event or default after which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is Saturday, Sunday or a state holiday, in which event the period runs until the end of the next day which is neither Saturday, Sunday, nor a state holiday. The computation shall include intermediate Saturdays, Sundays and holidays. The time period shall commence on the date of personal service, date shown as received on a certified mail receipt, or postmark date.

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Table 1. Time-frames (in days)

<u>Type of License</u>	<u>Overall Time Frame</u>	<u>Administrative Review Time Frame</u>	<u>Time to Respond to Deficiency Notice</u>	<u>Substantive Review Time Frame</u>	<u>Time to Respond to Request for Additional Information</u>
<u>Initial License</u> <u>R4-33-201</u>	<u>120</u>	<u>15</u>	<u>90</u>	<u>105</u>	<u>60</u>
<u>Renewal of License</u> <u>R4-33-206</u>	<u>75</u>	<u>30</u>	<u>15</u>	<u>45</u>	<u>15</u>
<u>Temporary License</u> <u>R4-33-212</u>	<u>120</u>	<u>15</u>	<u>90</u>	<u>105</u>	<u>60</u>
<u>Continuing Education Program Approval</u> <u>R4-33-214</u>	<u>60</u>	<u>15</u>	<u>30</u>	<u>45</u>	<u>15 Administrator-in-Training Program Approval</u> <u>R4-33-301601530451</u> <u>5</u>
<u>Initial Certification</u> <u>R4-33-403</u>	<u>120</u>	<u>15</u>	<u>90</u>	<u>105</u>	<u>60</u>
<u>Renewal of Certification</u> <u>R4-33-406</u>	<u>75</u>	<u>30</u>	<u>15</u>	<u>45</u>	<u>15</u>
<u>Approval of Continuing Education Program</u> <u>R4-33-408</u>	<u>60</u>	<u>15</u>	<u>30</u>	<u>45</u>	<u>15</u>
<u>Temporary Certification</u> <u>R4-33-410</u>	<u>120</u>	<u>15</u>	<u>90</u>	<u>105</u>	<u>60</u>

**ARTICLE 2. NURSING CARE INSTITUTION
ADMINISTRATOR LICENSING**

R4-33-201. Initial Application

- A. ~~A person who desires to be licensed~~ Application forms for licensure as a nursing care institution administrator shall submit to may be obtained from the Board an application on a form provided by the Board which provides the following information:
1. Full name;
 2. Designation as to type of license for which application is being submitted; and
 3. Sworn statement that applicant has answered all questions on all forms related to the application truthfully and has authorized educational and other institutions, employers and governmental agencies to provide to the Board any information requested by the Board.
- B. The applicant shall arrange to have 2 two persons who are unrelated to the applicant him and not in the applicant's his employment complete "Moral Character Certification" forms and return them directly to the Board. The certification shall contain the applicant's full name, type of examination for which the applicant is applying to sit, a certification that person is personally acquainted with the applicant, the number

of years of such acquaintance, the belief that the applicant is of appropriate moral character and suitability, and a recommendation of the applicant to the Board.

- C. The applicant shall ~~arrange to~~ have a licensed physician complete a "Medical Certification" form and return it directly to the Board. The certification shall contain the applicant's full name; type of examination for which the applicant is applying to sit; a certification by the physician that the applicant is in good health, free from contagious diseases, and absent any physical or mental impairments that would interfere with the performance of administrator duties; the number of years the physician has provided care to the applicant; the date the applicant was examined; other remarks; and the signature, full name, address and license number of the physician.
- D. An applicant who has been convicted of a felony shall submit, with the application, evidence that his civil rights have been restored, or an equivalent written statement or document, issued by an appropriate court, the Board of Parole, or equivalent agency. The evidence shall provide information on the specific type of felony offense and the related circumstances.
- E. The applicant shall complete and submit a properly sworn, and notarized, and completed personal data sheet form prescribed by the Board which provides ~~for general information~~

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about the applicant, including his educational and employment records the following information:-

1. The name as the applicant wants it to appear on the certificate;
2. The full name of the applicant;
3. The home address of the applicant;
4. The home telephone number of the applicant;
5. The applicant's date of birth;
6. The applicant's social security number;
7. The sex of the applicant;
8. The work telephone number of the applicant;
9. Whether the applicant is presently serving as an administrator, the address of the institution and whether the applicant has ever had a license suspended or revoked;
10. Whether the applicant has ever had a nursing care institution administrator license denied;
11. Whether the applicant is currently licensed as an administrator in any other state, including name of state, license number and expiration date;
12. Whether the applicant's administrator license has ever been suspended or revoked;
13. Whether the applicant has any physical or mental impairments that would interfere with the performance of administrator duties;
14. The names of the 2 persons to whom moral character certificates were sent;
15. The name and address of the physician to whom the medical certificate was sent;
16. Whether the applicant has been convicted for a violation of any law other than a minor traffic violation, and, if so, the date, place and nature of the conviction;
17. The state of current licensure, date license received and the license number, if the applicant wishes to apply for licensure by reciprocity;
18. The educational record of the applicant, including:
 - a. Name of the high school attended by applicant, its location, highest grade completed, whether the applicant received a diploma and year, and if not, GED certificate number and date issued and where exam taken;
 - b. Undergraduate education, including name and location of college or university, course of study, years attended, and degree and date received;
 - c. Post graduate education, including name and location of college or university, course of study, years attended, and degree and date received;
 - d. Field training or short courses, including name and location of institution or agency, dates attended, course pursued and date completed;
 - e. Memberships in professional or honorary societies and dates of membership;
 - f. Any special honors received and dates;
 - g. Professional licenses or certificates held, including type, license number, licensing authority, state and dates;
 - h. Articles or books published, including name of publication, publisher and copyright year or date of publication;
19. The applicant's employment record for the last 10 years, including name and address of employer, position held, immediate supervisor and description of duties;
20. A description of applicant's participation in health care institution association offices and activities;
21. A description of the applicant's involvement in health-related community service activities; and

22. The applicant shall attach to the personal data sheet form a A finished, unmounted color photograph in color of the applicant's himself showing his head and shoulders. The photograph shall not be less than 2 1/2 two and one-half inches nor more than 3 three inches square and shall have been taken within 6 six months prior to the date of application.

- F. The applicant shall provide to the Board transcripts, AIT Program completion or ACHCA certification, and/or a certificate of AIT program completion, as applicable, needed, which demonstrates that demonstrating the requirements of R4-33-204(A) have been met, or the applicant shall provide evidence of education, training, and experience if applying under R4-33-204(B).
- G. An applicant shall submit the The completed application forms and the prescribed fees must be received by to the Board at least 45 days before the date of the next regularly scheduled examination.
- H. An applicant shall appear before the Board upon its request.

R4-33-202. Licensure by Examination

- A. To be eligible for licensing, an applicant shall obtain the following:
1. A percentage score of 70% on a written national examination of NAB;
 2. A score of 80% on the a written state examination based on Arizona statutes and rules.
- A. The examination shall consist of:
1. A written national examination adopted by the National Association of Board of Examiners for Nursing Home Administrators based on common principles of nursing care institution administration. An applicant shall meet a weighted scale score of 113 on the national examination.
 2. A written state examination based on Arizona statutes and rules pertaining to the licensure of nursing care institutions and the licensure of nursing care institution administrators. An applicant shall meet a minimum score of 75%.
- B. An applicant who passes 1 of the examinations in subsection (A) but fails the other shall only be required to pass the examination failed to be eligible for licensing.
- C. Examinations shall will be administered not less than twice each year at such times and places in Arizona as may be noticed specified by the Board.
- C. The score sheets of the examination will not disclose the name of any applicant. They will be identified by a number assigned by the staff member administering the examination.
- D. An applicant who fails either part of failing the examination a third 2 times shall not be eligible to take another examination for a period of 11 months from the date of the last examination, unless, subsequent to his last examination, he has satisfactorily completed a course of study approved by the Board. An applicant who fails the examination 3 times may not take another examination until the applicant successfully completes an AIT program.
- E. The score sheets and record of the examination will be filed with the Board and retained for at least four years.

R4-33-203. Licensure by Endorsement Reciprocity

The Board, in its discretion and otherwise subject to the law pertaining to the licensing of nursing care institution administrators, shall will issue a nursing care institution administrator license upon application and payment of the prescribed fee and upon submission of evidence satisfactory to the Board that the an applicant:

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1. Has met the requirements specified in R4-33-201. In lieu of meeting the requirements of R4-33-201(F), an applicant may submit evidence of ACHCA certification.
2. Holds a valid and current license as a nursing care institution administrator for a state or territory which was obtained by successfully passing the NAB examination required by R4-33-202(A)(1) a national examination which is determined by the Board to be substantially equivalent to the written national examination endorsed by the National Association of Boards of Examiners for Nursing Home Administrators. If an applicant took had taken the national examination prior to January 1990, a raw score of 105 or better shall constitute a passing score. Subsequent to January 1990, a passing score shall be a percentage score of 70% based on a weighted scale score of 113. An applicant shall arrange to have the licensing agency of the state in which the applicant is licensed complete and directly return to the Board a certification on a form provided by the Board which provides the name of the secretary of the state board providing the certification, the full name of the applicant, the applicant's license number, date of licensing, expiration date of the license, the national examination taken by the applicant and the applicant's score, a statement that the applicant is fit and proper for licensing, the signature of the secretary and the agency name and address.
3. ~~Has arranged to have the licensing agency of the state in which he the applicant is licensed complete a "certification" form and return it directly to the Board.~~
- 3.4. Has met or exceeded a score of 80 ~~75%~~ on the written examination administered by the Board in accordance with R4-33-202(A)(2) which is based on Arizona statutes and rules pertaining to the licensure of nursing care institutions and the licensure of nursing care institution administrators.

R4-33-204. Qualifications for Initial License by Examination

- ~~A. An applicant who meets may apply for initial license by examination pursuant to A.R.S. § 36-446.04(A)(2) and R4-33-115 if one either of the following requirements is met shall be eligible to take the licensure examination:~~
1. Applicant has successfully completed a Board-approved AIT program and holds a minimum of a baccalaureate degree from an accredited college or university; or
 2. Applicant is ~~ACHCA certified~~ holds a minimum of a masters degree in health care administration or long-term care administration from an accredited college; or
 3. Applicant has at least a baccalaureate degree in an area related to health care administration from an accredited college or university. The curriculum shall include a minimum of 60 semester hours of health instruction from an accredited college or university which includes at least six semester hours in each of five of the following seven general subject areas: gerontology, management, psychology, sociology, therapeutic and supportive long-term care and services, health science and environmental health and safety, and food and nutrition. No course may be counted for credit in more than one subject area.
- ~~B. An applicant who possesses a combination of education and training in each of the areas listed in paragraph (A)(3) which is determined by the Board to be substantially equivalent to the required formal instruction will qualify to take the license examination.~~

R4-33-205. Fees

The Board shall charge and collect the following fees:

- ~~1A.~~ Application and examination for licensure, \$350; \$100 of this fee is nonrefundable.
- ~~a 1.~~ Re-administration of national examination: \$150;
- ~~b 2.~~ Re-administration of state examination: \$100;
- ~~2B.~~ Issuance of license, up to \$240, prorated monthly;
- ~~3C.~~ Biennial renewal of license: \$240;
- ~~4D.~~ Biennial renewal of inactive license: \$100;
- ~~5E.~~ Temporary license fee: \$250;
- ~~6F.~~ Duplicate license fee: \$25;
- ~~7G.~~ Penalty fee for late renewal: \$50;
- ~~8H.~~ Certification of license status: \$10; and
- ~~9I.~~ Board review of sponsored continuing education programs: \$20.

R4-33-206. Renewal Application

- A. A license year shall begin begins July 1 and end ends June 30.
- B. All licenses, except temporary, expire at midnight on June 30 of each even-numbered year. Temporary licenses shall expire at midnight on the date designated on the license.
- C. ~~A~~ The licensee shall submit an application for renewal of license, accompanied by the prescribed fee and evidence of completion of 50 hours of continuing education credit pursuant to R4-33-214 R4-33-216, not later than June 1. A licensee who received an his original license on or after January 1 and before June 30 of the renewal same license year shall need only submit evidence of completion of 10 hours of continuing education credit pursuant to R4-33-214 R4-33-216.
- D. ~~A person An individual formerly licensed in Arizona may apply for relicensure renewal of his provided:~~
 1. The license was not revoked pursuant to A.R.S. § 36-446.07;
 2. No more than 30 days have lapsed elapsed since the expiration of his license;
 3. ~~The applicant He~~ has paid the prescribed fee; and
 4. ~~The applicant He~~ has met the applicable continuing education requirements.

R4-33-207. Inactive Status

- A. A person currently licensed in good standing in Arizona may request in writing that the Board place the person's license on inactive status if the continuing education requirements have been met. These continuing education requirements may be prorated, based upon the commencement of the renewal period. To resume active licensure status, the licensee shall complete the 25 hours of continuing education credits required in A.R.S. §36-446.07(H) within 6 months prior to making written request to the Board for resumption of active licensure status.
- B. The Board shall send a written notice to the licensee confirming inactive status or denying the request. If denied, the licensee shall have 15 days from the date of receipt of the notice to file a request for hearing with the Board, appealing the denial. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and Article 10.

R4-33-208 R4-33-207. Standards of Conduct; Disciplinary Action Suspension or Revocation

- A. An administrator licensed pursuant to this Article is responsible for the proper operation of any nursing care institution which he administers as well as for his own proper conduct. The shall comply with the following standards of conduct shall be adhered to:
 1. ~~An applicant for an administrator's license shall not practice fraud, deceit, or misrepresentation in obtaining~~

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his license. An administrator shall not engage in unprofessional conduct.

2. An administrator:
- a. Shall be familiar with the federal and state laws and regulations applicable to operation of nursing care institutions.
 - b. Shall not be addicted to or dependent upon the use of narcotics or other drugs, including alcohol, which interferes with the performance of his duties as a nursing care institution administrator.
 - c. Shall not wilfully permit the nursing care institution or its owners, officers, or employees to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with the furnishing of items or services to patients of the institution or for referral of such patients to another person or place for the furnishing of such items or services where the resulting economic benefit is not directly passed on to such patients.
 - d. Shall not wilfully permit the unauthorized disclosure of information relating to a patient or a patient's his records.
 - e. Shall not discriminate against among patients, employees, or staff on account the basis of race, sex, age, religion, or national origin.
 - f. Shall not misrepresent qualifications, education, experience or affiliations and shall not aid or abet anyone else in falsifying information or documents.
 - g. Shall not defend, support or ignore unethical conduct perpetrated by employees, owners, or peers.
 - h. Any conduct or practice contrary to recognized community standards or ethics of a nursing care administrator or any conduct or practice which does or might constitute incompetence, gross negligence, repeated negligence or negligence that might constitute a danger to the health, welfare or safety of the patient or the public.
 - i. Procuring or attempting by fraud or misrepresentation to procure a license or renewal of a license to practice as a nursing care administrator.
 - j. Violating a formal order, condition of probation, or stipulation issued by the Board.
 - k. Committing an act of sexual abuse, misconduct, harassment or exploitation.
 - l. Retaliating against any person who reports in good faith to the Board alleged incompetence, illegal, or unethical conduct of any practitioner.
- B. Final judgment of conviction for a felony or any offense involving moral turpitude shall be grounds for suspension or revocation of license. Final judgment or conviction for a felony or any offense involving moral turpitude, or direct or indirect elder abuse shall be grounds for disciplinary action pursuant to A.R.S. §36-446.07 et seq., or denial of license application.
- C. An administrator who has violated any provision the provisions of this Article as an applicant for a license, renewal of license, or reinstatement of a license or in his capacity as an administrator is shall be subject to discipline in accordance with the provisions of A.R.S. § 36-446.07 relating to suspension or revocation.

R4-33-209 R4-33-208. Rehearing or Review of Decision

- A. Except as provided in subsection (G), any party in a contested case before the Board who is aggrieved by a decision rendered in such case may file with the Board, not later than

fifteen ten days after service of the decision, a written motion for rehearing or review of the decision which specifies the particular grounds on which it is based therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at his last known residence or place of business.

- B. A motion for rehearing under this rule may be amended at any time before it is ruled upon by the Board. A response may be filed within 10 days after service of such motion or may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. The Board may grant a ~~A~~ rehearing or review of the decision ~~may be granted~~ for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party or any order or abuse of discretion whereby the moving party was deprived of a fair hearing.
 2. Misconduct of the Board or its hearing officer or the prevailing party.
 3. Accident or surprise which could not have been prevented by ordinary prudence.
 4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
 5. Excessive or insufficient penalties.
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
 7. That the decision is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- E. Not later than fifteen ten days after a decision is rendered, the Board may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. In either case the order granting such a rehearing shall specify the grounds therefor.
- F. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding twenty days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. Except as provided in subsection (H), a decision shall be final when the decision is rendered if further review is unavailable or, upon expiration of the time for filing a request for rehearing or upon denial of such request, whichever is later. If a rehearing is granted, the decision shall be stayed until affirmed, amended or reversed.
- H G. If in a particular decision the Board makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health and safety and that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing, the

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decision shall be effective when issued. Any any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions.

- I.H.** For purposes of this Section, the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.
- I.** ~~To the extent that the provisions of this rule are in conflict with the statutory provisions of the Board, such statutory provisions shall govern.~~

R4-33-210 R4-33-209. Restoration of Revoked Licenses

- A.** No earlier than 12 months from the date of revocation, a former licensee may file a request for license restoration. The former licensee shall submit evidence satisfactory to the Board that the basis for revocation has been removed. The licensee's request shall meet all of the requirements of R4-33-201, R4-33-202 and R4-33-204. The requirements of R4-33-201(D) shall be applicable to former licensees who have been convicted of a felony. A license may be restored at any time after revocation by the Board upon submission of evidence satisfactory to the Board that the former licensee has removed the disability. The requirements of R4-33-115(D) will be applicable to former licensees who have been convicted of a felony.
- B.** Upon receipt of application for license restoration, the former licensee shall appear before the Board and provide evidence that all the requirements of R4-33-210(A) have been met. Upon denial of license restoration, the applicant may request a hearing pursuant to A.R.S. § 41-1065. Upon receipt for restoration of a license, the former licensee will be given a formal hearing unless the Board determines that restoration of the license is adequately supported by information supplied with the request.
- C.** ~~The former licensee's request shall meet all of the requirements of R4-33-117(A)(1) and (4).~~

R4-33-211 R4-33-210. Display of Licenses and Board Notification

- A.** Every person licensed as a nursing care institution administrator shall display such certificate of licensure and the current renewal certificate in a conspicuous place in his office or place of business or employment.
- B.** Each person holding a license from the Board shall file a current mailing address with the Board and shall, within 30 days, notify the Board of any change of name and mailing address, providing both former and new name and address.
- C.** Each licensee shall notify the Board, within 30 days, each time that he or she becomes the duly appointed administrator of a nursing home and each time that such an appointment terminates. Each notification shall include the name and address of the facility or facilities involved and the dates of appointment or termination.

R4-33-211. Renumbered

R4-33-212. Temporary Licenses

- A.** To qualify for a temporary license to fill a nursing care administrator position, the applicant shall submit the application required in R4-33-201 and provide evidence demonstrate all of the following as applicable:
- That the applicant meets Meet or exceeds exceed the requirements specified in R4-33-201, R4-33-203, and R4-33-204.
 - That an Submit a letter from the governing body or owner of the nursing care institution indicating that the administrator's position is available and that the applicant will be engaged in the capacity of administrator if

the applicant is successful in obtaining a temporary license;

- That the applicant has not Not have held an Arizona temporary license within the past 3 years; and
 - That the applicant has not Not have failed a state or national examination within 1 year prior to applying.
- B.** At the Board's request an An applicant may be asked to shall appear or be available by telephone for an oral interview with before the Board.
- C.** Prior to the expiration of the 150-day period, the temporary licensee shall become licensed under the terms of A.R.S. § 36-446.04 and this Article or discontinue as administrator of the nursing care institution.

R4-33-213. Renumbered

R4-33-213 R4-33-214. Denial of License or Renewal of License

- A.** Any person who has been denied a license or denied the right to take an examination may file a request for an informal interview will be notified as provided in A.R.S. § 41-1009. Such person may file a request for a hearing before the Board within 15 days after receipt of the notice.
- B.** A person who has been denied a license or renewal of license shall be notified in writing. Such person may file a request for a hearing before the Board pursuant to A.R.S. § 41-1065.

R4-33-215. Renumbered

R4-33-214 R4-33-216. Criteria for Continuing Education

- A.** Each licensee shall obtain 50 Twenty-five hours of continuing education credit per renewal period year shall be required for renewal of license except that, if an administrator is licensed on or after January 1 and before June 30 of the renewal same license year, only 10 such hours shall will be required for that 1st renewal period.
- B.** A licensee shall submit evidence Evidence of attendance at continuing education programs shall be submitted with the application for renewal of license not later than June 1. Evidence of attendance includes a certificate or letter of attendance or a grade report provided by the continuing education program.
- C.** Licensees shall complete continuing Continuing education programs shall be completed between June 1 and May 31, prior to the renewal period.
- D.** All continuing education programs shall must be approved by the Board and shall must be in at least 1 of the following subject areas:
- Statutes and regulations on environmental health and safety (OSHA).
 - Principles of management.
 - Psychology and principles of patient care.
 - Personal and social care.
 - Therapeutic and supportive care and services in long-term care.
 - Community health and social resources.
- E.** Continuing education credits shall will be awarded as follows:
- Programs of study; -- must contain at least 25 contact hours and will receive 25 credit hours.
 - Seminars or workshops; -- 1 hour of credit for each contact hour.
 - College accredited courses; -- 13 15 credit hours for each semester hour.
 - Annual meetings of approved national health care organizations and annual state association meetings affiliated with national health care organizations; -- three credit hours for each annual meeting attended up to a

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- ~~maximum of six hours one-half hour credit for each business meeting.~~
45. ~~Two continuing education credits per month are approved for certified AIT preceptors who are currently training an AIT. A preceptor shall receive a maximum of 50 percent of required continuing education hours during a renewal period related to the preceptorship. State association meetings affiliated with approved national health care organizations: one-half hour credit for each meeting up to a maximum of three hours.~~
- F. A licensee who participates as an instructor in an approved program shall receive the same credit as a student. ~~The licensee may only receive continuing education credit for instructing the same approved program once during a renewal period.~~
- G. ~~A licensee shall receive credit for no more than 10 hours of required continuing education during a renewal period related to correspondence courses. The Board may disapprove requests for approval which have not been submitted at least 45 days prior to the commencement of a program.~~
- H. Requests for approval of a continuing education program shall may be submitted by individuals or sponsors in writing and shall contain at least the following information:
1. Title of program;
 2. Sponsor: name, address and contact person;
 3. Date, time and place of program;
 4. Content and applicability to nursing home administration;
 5. Qualification of instructors;
 6. Number of contact hours; include a time schedule of events where possible and an agenda with specific times for instruction, breaks and meals; and
 7. If an accredited college course, the number of semester credits available.

ARTICLE 3. ADMINISTRATOR IN TRAINING PROGRAMS

R4-33-301. Administrator in Training Program Requirements

- A. An AIT program shall have a program advisory committee which shall be responsible for all aspects of the training program. The committee shall conduct at least 2 on-site visits during each training period. For both 6 and 12 month approved training periods, the 2 site visits shall be conducted upon completion of 30 and 80 percent of the program requirements. Additional site visits may be conducted upon request of the AIT, the preceptor or the committee.
- B. The program advisory committee shall approve a preceptor for each AIT. A preceptor shall provide training to no more than 1 AIT at a time.
- C. The program advisory committee shall appoint a site evaluator for each preceptor/administrator training relationship who shall conduct the site visits. A site visit check list shall be initiated by the site evaluator during each site visit and reviewed with the preceptor and the AIT if program discrepancies or concerns are identified.
- D. A site evaluator shall be responsible for the following:
1. Reviewing the AIT application as approved by the advisory committee.
 2. Reviewing the individualized training programs as approved by the advisory committee.
 3. Making initial contact by telephone with the AIT and the preceptor for purposes of introduction and confirmation of receipt of the NAB AIT/preceptor domains of
- practice manual, to answer any questions and to schedule the 1st site visit.
4. Reviewing all monthly reports, daily hours logs and other information received from the AIT or preceptor prior to the 1st visit.
 5. Touring the facility with the AIT, reviewing the AIT's daily log and interviewing the AIT and preceptor, both individually and together, during the site visit.
 6. Completing the site visit report and reviewing the findings with the AIT and preceptor before leaving the center. The site visit report shall address the following:
 - a. Whether the evaluator met with the AIT and preceptor, individually or together;
 - b. Whether the AIT/Preceptor Guide Book and instruction were reviewed with both the AIT and preceptor and any comments;
 - c. Whether the AIT and preceptor appeared to understand their respective roles and responsibilities as outlined in the Guide Book;
 - d. Whether the facility was toured with the AIT and preceptor, and any comments;
 - e. Examples of staff and resident interaction with the AIT, the apparent position occupied by the AIT in the facility, and whether the AIT appeared to know and recognize staff and residents;
 - f. Whether the evaluator met with any departments with which the AIT had worked and any comments made by department heads regarding AIT's learning experience.
 - g. Which written reports, time logs or other program materials were reviewed, whether the monthly reports were timely and complete, and what other reports, tests or workshops had been completed by the AIT;
 - h. Which of the approved AIT training programs is being used as a primary resource and what supplementary texts or other materials are being used;
 - i. What concerns were expressed or questions asked during the interview with the AIT and preceptor.
 - j. The frequency and duration of meeting between the AIT and preceptor, scheduled or unscheduled;
 - k. The locations outside the facility where AIT has been assigned or visited, the purpose, length and supervision provided;
 - l. The community meetings or events attended by the AIT as part of the program, including any AzA-CHCA meeting or peer group sessions;
 - m. How closely the actual training program has adhered to the proposed training schedule, any variations and whether they have negatively affected the program;
 - n. An overall assessment of the training program and its progress and whether there are any apparent problems that may prevent the AIT from completing the program as planned; and
 - o. Any additional comments.
 7. Scheduling additional site visits when a significant change occurs in the program outline, if there is a change in either the AIT or preceptor, or upon the request of the AIT, preceptor or advisory committee.
 8. Conducting telephone interviews with the AIT upon receipt of the monthly progress report to validate the learning experience and respond to any questions or concerns.

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- E.** A program evaluator shall maintain a file on each assigned administrator which includes the following:
1. The AIT application and attachments approved by the advisory committee;
 2. A copy of each monthly report and daily hours log;
 3. A copy of each site visit report;
 4. Copies of any correspondence and interim reports; and
 5. Copy of the certification of program completion from the NAB AIT/preceptor domains of practice manual, completed by the preceptor at the completion of the training program and co-signed by the AIT.
- F.** An individualized training plan shall be prepared by the preceptor and the AIT. Any changes to an approved training plan shall be submitted, in writing, to the program evaluator, for approval by the advisory committee.
- G.** A training program shall not permit the following:
1. A preceptor training the preceptor's employer or supervisor; and
 2. A preceptor training a spouse, child, parent, brother, sister, 1st or 2nd cousin, niece, nephew, uncle or aunt.
- H.** The program advisory committee shall provide semiannual reports to the Board which include the names of preceptors trained, number of administrators in training, number of administrators in training who have completed training and the names of facilities where training is being provided.
- I.** If a certified preceptor is no longer able or willing to be a preceptor or the AIT chooses to change location or preceptor, the following shall occur:
1. The original preceptor and the administrator shall write a letter to the program advisory committee stating the reasons for the change and the last date of training. The letter shall be signed by both the AIT and the preceptor. The AIT shall complete and sign off on the last monthly report.
 2. The AIT and the new preceptor shall submit a letter of application for continuance to the program advisory committee stating that the preceptor or training location have changed. The new preceptor shall complete and submit the preceptor portion of the application form, inclusive of the preceptor's credentials.
 3. At the next meeting of the program advisory committee following receipt of the letter, the committee shall review the documentation and send written notification to the AIT and the preceptor of the committee's decision and program continuance date within 5 working days after the meeting.
 4. Change requests may be completed in advance to allow for a smooth and timely transition.
- R4-33-302. Preceptor Qualifications and Responsibilities**
- A.** A preceptor shall have the following qualifications:
1. A preceptor shall have a current nursing home administrator's license in good standing in Arizona.
 2. A preceptor shall be a full-time practicing long-term care administrator with a minimum of 2 years of experience within the last 3 years in the field as an administrator.
 3. A preceptor shall comply with all required continuing education in the long-term care field.
 4. A preceptor shall complete a preparatory educational seminar approved by the Board.
- B.** A preceptor shall be responsible for the following:
1. Implementation of the training program in a facility for the AIT.
 2. Interviewing a prospective AIT to assure that the preceptor and AIT understand the required training plan, develop the AIT program experience, identify individual responsibilities and to assure compatibility between them. A proposed training program shall be prepared by the preceptor and AIT for submission to the program advisory committee for approval and shall include the following:
 - a. The name of the AIT;
 - b. The date;
 - c. The training site, its address and phone number;
 - d. The number of weeks or hours to complete the program;
 - e. The start, completion and examination dates of the program, including the hours in administration, human resources, nursing, rehabilitation, medical records, activities, social services, business office, dietary, housekeeping, laundry, maintenance and others.
 - f. The total assigned time in weeks or hours;
 - g. Other comments; and
 - h. The dated signatures of the AIT and preceptor.
 3. Providing the AIT with an initial orientation to the facility, its philosophy, its staff and basic operation.
 4. Alerting the facility's staff to the presence of the AIT and the purpose of the clinical experience, soliciting staff cooperation in providing information and encouragement to the AIT.
 5. Meeting with the AIT on a regular basis to evaluate performance, apprise the AIT of areas of competency and weakness, identify problem areas and modify the training plan to reflect change to meet altered needs.
 6. Providing information and guidance to the AIT in test taking techniques in preparation for state licensure.
 7. Providing follow-up with the AIT's progress upon completion of the training program and provide information regarding job opportunities in the field of long-term care administration.
 8. Reporting to the program advisory committee on a monthly basis regarding the progress of the AIT, including comments on the professional competence of the AIT as well as the attitudes about long-term care and general suitability of the AIT for the field.
 9. Modifying the structure and content of the AIT program in response to feedback received from the AIT's evaluation of the preceptor.
 10. Incorporating into the AIT program visits to other facilities to provide broader exposure to the field, and visits to relevant governmental and community agencies.
 11. Upon completion of training, the preceptor shall fill out the certification of program completion and provide it to the program advisory committee who shall notify the Board that the AIT has successfully completed training. The certification of program completion shall provide the following information:
 - a. The full name of the AIT;
 - b. The place of training, including mailing and street address;
 - c. The telephone number of the facility;
 - d. The dates the AIT began and completed the program;
 - e. The number of weeks spent in administration, human resources, nursing department, rehabilitation department, medical/patient records, activities department, social services/admissions, business

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office, dietary department, housekeeping/laundry, environment/maintenance and other;

- f. The total number of weeks in the AIT training program;
- g. A certification that the AIT has satisfactorily completed the program under the preceptor's personal supervision;
- h. A narrative evaluation of the suitability of the AIT for licensure as a nursing home administrator; and
- i. The signatures of the AIT and preceptor, the date and the preceptor's license number.

C. A preceptor shall immediately inform the site evaluator when the preceptor is absent for more than 10 consecutive working days for any reason. The site evaluator may extend or suspend the program if the preceptor is off for a cumulative total of 25 working days for any reason. An AIT may train at another facility under another preceptor who has no other AIT during the absence of the original preceptor.

R4-33-303. Administrator in Training

A. An AIT shall comply with the standards of conduct applicable to nursing care institution administrators.

B. An AIT shall serve an internship between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday, on a regular basis. An AIT may train on weekends and on 2nd and 3rd shifts for limited periods of time and for specific purposes.

C. An AIT shall not serve in any capacity in a facility other than that of trainee during the training period.

D. The AIT shall send a report at the end of the 1st calendar month and every month thereafter to the site evaluator. Each monthly report, together with daily hours logs, shall be completed for review and signature by the preceptor and then submitted to the site evaluator. The report shall provide the following information:

- 1. The full name of the AIT;
- 2. The training site address and phone number;
- 3. The date of the report;
- 4. The dates covered by the report;
- 5. The date the internship began and its expected completion date;
- 6. A list of assignments and departments with time spent in each;
- 7. A summary of learning experiences;
- 8. A brief analysis of any problems observed, new experiences and insights gained;
- 9. A statement of any problems that arose during the training;
- 10. A listing of visits made outside the facility and educational conference attended;
- 11. A certification that the information presented is true and accurate; and,
- 12. The signatures of the AIT and preceptor.

E. An AIT shall complete the training program in not less than 20 weeks nor more than 52 weeks after beginning training.

F. Any consecutive absence of an AIT of more than 5 working days shall result in the suspension of the program effective with the 1st day of absence. The preceptor shall immediately notify the site evaluator. The program may resume upon the return of the AIT to their approved program schedule with the approval of the site evaluator. The program shall be extended equivalent to the period of time lost. Absences of 5 consecutive working days or less shall be worked out between the preceptor and the AIT.

G. An AIT shall be responsible for developing professional competency and a personal code of ethics through the following:

- 1. In collaboration with the preceptor, the AIT shall become involved in decision-making activities of increasing difficulty and their implementation.
- 2. An AIT shall increase knowledge and appreciation of the clinical aspects of delivering quality long term care services through observation and participation, including involvement with nursing, rehabilitative and social services.
- 3. An AIT shall develop a familiarity with the patient population in the facility and with the unique problems associated with the delivery of multiple services to an aged, chronically ill and disabled dependent population.
- 4. The AIT shall become familiar with all departments and services in the facility, including dietary, housekeeping, laundry, maintenance and others, so as to understand both their individual functions as well as how they interface with each other.
- 5. An AIT shall complete all projects and assignments made by the preceptor.
- 6. The AIT shall communicate openly with the preceptor at all times.
- 7. The AIT shall evaluate the preceptor's performance in the tutorial role.
- 8. The AIT shall apply the theories, concepts, principles and techniques learned through formal academic preparation to practical situations in the facility.

**ARTICLE 4.3. ADULT CARE HOME MANAGER
CERTIFICATION**

R4-33-401 R4-33-301. Training Program Requirements
No change.

R4-33-402 R4-33-302. Eligibility for Initial Certification
No change.

R4-33-403 R4-33-303. Initial Application
No change.

R4-33-404 R4-33-304. Examination
No change.

R4-33-405 R4-33-305. Fees
No change.

R4-33-406 R4-33-306. Renewal Application
No change.

R4-33-407 R4-33-307. Standards of Conduct; Suspension or Revocation
No change.

R4-33-408 R4-33-308. Criteria for Continuing Education
No change.

R4-33-409 R4-33-309. Display of Certificate
No change.

R4-33-410 R4-33-310. Temporary Certificates
No change.

R4-33-411 R4-33-311. Denial of Certificate
No change.

R4-33-412 R4-33-312. Rehearing or Review of Decision
No change.

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NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 1. DEPARTMENT OF COMMERCE

PREAMBLE

- | <u>1. Sections Affected:</u> | <u>Rulemaking Action</u> |
|------------------------------|--------------------------|
| Article 2 | Repeal |
| R20-1-201 | Repeal |
| R20-1-202 | Repeal |
| R20-1-203 | Repeal |
| R20-1-204 | Repeal |
| R20-1-205 | Repeal |
| R20-1-206 | Repeal |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §41-1504 (b) (4)

The rulemaking will repeal rules that apply to a program that does not exist within the Department of Commerce. The agency is unable to locate any reference to the program or to Part 882 of Title 24 of the Code of Federal Regulations (24 CFR 882) in the Arizona Revised Statutes. The agency has been unable to obtain information about the program from the Department of Economic Security or the Department of Health.
- 3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Joan E. Laurence
Address: Arizona Department of Commerce
3800 North Central Avenue, Suite #1400
Phoenix, Arizona 85012
Telephone: (602) 280-8181
Fax: (602) 280-1305
- 4. An explanation of the rule, including the agency's reasons for initiating the rule:**
This rule contains requirements for state regulation of the Independent Group Residence (IGR) Program in accordance with Part 882 of Title 24 of the Code of Federal Regulations (24 CFR 882). The Program does not exist within the Department of Commerce.
- 5. A showing of good cause why the rule is necessary to promote a statewide interest if the repeal of the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
- 6. The preliminary summary of the economic, small business, and consumer impact:**
Not applicable under A.R.S. § 41-1055(b)(3)
- 7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: Joan E. Laurence
Address: Arizona Department of Commerce
3800 North Central Avenue, Suite #1400
Phoenix, Arizona 85012
Telephone: (602) 280-8181
Fax: (602) 280-1305
- 8. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule.**
Written and oral comments will be accepted at the location listed in question #4 between 9 a.m. and 5 p.m., Monday through Friday, until the close of record on June 10, 1998. An oral proceeding on the proposed repeal will be held:
Date: Tuesday, June 9, 1998
Time: 10 a.m.
Location: Arizona Department of Commerce

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3800 North Central Avenue, Suite #1400
Phoenix, AZ 85012

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
None
10. Incorporation by reference and their locations in the rules:
None.
11. The full text of the rules follows:

TITLE 20. COMMERCE, BANKING AND INSURANCE

CHAPTER 1. DEPARTMENT OF COMMERCE

~~ARTICLE 2. INDEPENDENT GROUP RESIDENCE PROGRAM~~ Repealed

Section

- R20-1-201. General Repealed
R20-1-202. Definitions Repealed
R20-1-203. Service Agency Repealed
R20-1-204. Independent Group Residence Repealed
R20-1-205. Supportive Services Plan Repealed
R20-1-206. Service Agreement Repealed

~~ARTICLE 2. INDEPENDENT GROUP RESIDENCE PROGRAM~~ Repealed

R20-1-201. General

These regulations contain requirements for state regulation of the Independent Group Residence (IGR) Program in accordance with Part 882 of Title 24 of the Code of Federal Regulations (24 CFR 882).

R20-1-202. Definitions

For the purpose of this Article the following definitions apply:

1. "IGR Resident" means any elderly, handicapped or disabled individual residing in an Independent Group Residence who has been approved by the Service Agency to receive supportive services and who has been approved by a Public Housing Agency to reside in an Independent Group Residence.
2. "Independent Group Residence" means a dwelling unit for the exclusive residential use of 2 to 12 elderly, handicapped or disabled individuals who are not capable of living completely independently and require a planned program of continual supportive services. This excludes live-in Resident Assistants, if any.
3. "Inter Agency IGR Committee" means the State Inter Agency Advisory Committee formed to address all Independent Group Residence related issues. The committee consists of one representative appointed by each of the Directors of the Departments of Health Services and Economic Security and the Department of Commerce. The committee shall be chaired by the Department of Commerce representative.
4. "Lease Agreement" means a written agreement between an owner and an eligible individual for the leasing of an existing housing unit in accordance with a written contract between a Public Housing Agency (PHA) and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible individual as described in 24 CFR 882.
5. "Needs Assessment" means a written listing of the supportive services needs of an individual who will live in an Independent Group Residence. This assessment shall

be determined by appropriate professionals such as physicians, nurses, social workers, and counselors and shall be approved by the chief administrative officer of the Service Agency. The assessment shall specify the type and frequency of supportive services needed.

6. "Occupant" means anyone living in a designated Independent Group Residence unit, not including Resident Assistants.
 7. "Office" means the Department of Commerce.
 8. "Resident Assistant" means a person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary supportive services to IGR residents and who is essential to these residents' care or well being. A Resident Assistant shall not be related by blood, marriage, or operation of law to the IGR residents nor contribute a portion of his or her income or resources towards the expenses of IGR residents.
 9. "Service Agency" means a public or private non-profit organization which is recognized by the Office as qualified to determine the supportive service needs of individuals who will reside in Independent Group Residences.
 10. "Service Agreement" means a written agreement approved by the Office between the owner of an Independent Group Residence and the Service Agency and other entities providing the supportive services to the occupants of Independent Group Residences.
 11. "State Departments" means the Department of Economic Security and the Department of Health Services.
 12. "Supportive Services Plan" means a plan for the provision of adequate supportive services appropriate to the needs of IGR residents. To insure client rights, this plan shall be developed in consultation with the individual IGR resident. Said services shall be provided on a planned continual basis by a qualified Resident Assistant or Assistants residing in the Independent Group Residence unit or other qualified persons not residing in the unit.
- R20-1-203. Service Agency**
- A.** Pursuant to 24 CFR 882, a Service Agency shall be recognized by the Office as qualified to determine the supportive services needs of individuals who will reside in Independent Group Residences, provided that it meets the standards set forth in subsections (B) or (C) below.
- B.** State recognition shall be granted by the Office for no more than one year to any Service Agency applicant which is a state or local public agency which is legally authorized to provide those services required of a Service Agency to individuals who are handicapped, disabled, or elderly and eligi-

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~~ble to reside in an Independent Group Residence under 24 CFR 882.~~

- ~~C. Recognition as a Service Agency may also be granted for no more than one year to a private non-profit agency which has been previously approved by one of the State Departments to provide contractual services related to the needs of individuals who are handicapped, disabled, or elderly and now eligible to reside in an Independent Group Residence under 24 CFR 882.~~
- ~~D. Proof of said legal authorization in the case of a public agency or of said contractual services approval in the case of a private agency shall be furnished to the Office on a form and by such reasonable time as is prescribed by the Office. Said form shall contain the following information:~~
 - 1. ~~The name and location of the Service Agency applicant.~~
 - 2. ~~Proof of nonproprietary status in the case of a private agency.~~
 - 3. ~~The name and qualifications of the Chief Administrative Officer.~~
 - 4. ~~The citation of legal authorization to provide services to persons who are eligible to reside in an Independent Group Residence in the case of a public agency.~~
 - 5. ~~A copy of approval to provide said contractual services by one of the state departments, in the case of a private non-profit agency.~~
 - 6. ~~Such other pertinent information as may be required by the Office for the proper administration of this rule.~~

R20-1-204. Independent Group Residence

- ~~A. Pursuant to 24 CFR 882 the Office shall license, certify, or otherwise approve in writing those facilities intended for use as IGR facilities to insure that they are appropriate to the needs of the residents, provided that they meet the standards set forth in subsections (B), (C), and (D) below.~~
- ~~B. Facilities intended for use as IGR facilities shall meet the Housing Quality Standards for IGR as set forth in 24 CFR 882.~~
- ~~C. Proof of certification by the Public Housing Agency of compliance with said Housing Quality Standards shall be furnished to the Office by the Service Agency.~~
- ~~D. To insure that the facility is appropriate to the needs of the residents, the Service Agency shall provide documentation to the Office as to how the physical properties of the facility meet the needs identified in the Needs Assessment.~~
- ~~E. Facilities' compliance with these standards shall be reviewed individually for each new or revised Service Agreement submitted and then at least annually for each individual Service Agreement.~~

R20-1-205. Supportive Services Plan

- ~~A. Pursuant to 24 CFR 882.109, a planned program of supportive services which is appropriate to the needs of individual IGR Residents shall be determined by the Service Agency and shall be incorporated into the Service Agreement.~~
- ~~B. Individual supportive services plans for each IGR Resident shall include the following:~~
 - 1. ~~An individual needs assessment.~~
 - 2. ~~A description of the method by which each need shall be addressed, including the kind and frequency of services and the names of primary service providers.~~
 - 3. ~~A description of the method which shall be used to evaluate the provision of services and overall plan.~~
- ~~C. The program of supportive services shall be subject to ongoing monitoring and enforcement by the Office. To assist the Office in the effective execution of its responsibilities, the Service Agency shall provide the Office with quarterly reports of the type and frequency of the services provided to individual IGR residents. The Office may also request reports which monitor the provision of services from the Public Housing Agency.~~

R20-1-206. Service Agreement

- ~~A. Pursuant to 24 CFR 882.109, a written Service Agreement shall be submitted by the Service Agency to the Office for approval prior to execution of the Lease Agreement.~~
- ~~B. The Service Agreement shall include the following information:~~
 - 1. ~~The Supportive Services Plan.~~
 - 2. ~~All previously listed documentation related to compliance with Independent Group Residence Standards (R20-1-204).~~
 - 3. ~~Such other pertinent information as may be required by the Office.~~
- ~~C. Upon receipt of the Service Agreement, the Office shall undertake a study to determine compliance with standards set forth here. The Office may request staff of other governmental agencies to make inspections or investigations to determine if the applicant meets standards of the Office.~~
- ~~D. Within a reasonable time, the Office shall convene the Inter-Agency IGR Committee for purposes of review and shall approve or disapprove the Service Agreement. The Office may accept or reject the recommendations of the Committee. Service Agreements shall be approved for no more than a period of one year.~~

NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R20-6-708 New Section
2. **The specific authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§20-142 and 41-1072
Implementing statutes: A.R.S. §§ 20-142 and 20-143
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Gregory Y. Harris, Executive Assistant Director
Address: Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018
Telephone: (602) 912-8456
Fax: (602) 912-8452
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
This rule is necessitated by a change in the Administrative Procedures Act (APA) in the 1995 legislative session. The Legislature created A.R.S. § 41-1073 that requires adoption of time-frames during which the agency will grant or deny each type of license it issues.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
6. **The preliminary summary of the economic, small business and consumer impact:**
 - A. The Department of Insurance:
The Department does not expect the proposed time-frame rules to impact the Department financially, unless the Department does not meet the stated time-frames. In that case, the Department will incur costs through refunded application fees and payment of penalties for each application that is not processed within the required time-frames. However, the potential loss of revenue will help ensure that the Department complies with the time-frames established with this rule.
 - B. Other Public Agencies:
There will be nominal publishing costs associated with publishing rules.
 - C. Private Persons and Businesses Directly Affected:
This group will benefit from a clearer understanding of the specific time-frames for obtaining a license.
 - D. Consumers:
The Department does not expect the adoption of the license time-frames to adversely impact consumers.
 - E. Private and Public Employment:
The Department does not expect the adoption of the license time-frames to adversely impact private and public employment.
 - F. State Revenues:
The Department does not expect the adoption of the license time-frames to adversely impact state revenues.
7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business and consumer impact statement:**
Name: Gregory Y. Harris
Address: Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018
Telephone: (602) 912-8456
Fax: (602) 912-8452

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8. The time, place and nature of the proceeding for the admission, amendment or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:

Date: June 16, 1998

Time: 2 p.m.

Address: Arizona Department of Insurance
3rd Floor Training Room
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

Nature: Oral proceeding for adoption of the rules. The Department will accept written comments which are received by 5 p.m. on June 16, 1998, or postmarked no later than that date.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporation by reference and their location in the rules
None.

11. The full text of the rules follow:

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE

ARTICLE 7. LICENSING PROVISIONS AND PROCEDURES

Section

R20-6-708. LICENSING TIME-FRAMES

ARTICLE 7. LICENSING PROVISIONS AND PROCEDURES

R20-6-708. Licensing Time-frames

The following time-frames shall apply to licenses issued by the Department. "License" shall have the meaning prescribed in A.R.S. § 41-1001(11). The licensing time-frames consist of an administrative completeness review, a substantive review, and an overall review.

- A.** Within the time-frame for the administrative completeness review set forth in subsection E of this rule, the Department shall notify the applicant in writing of whether the application is complete or incomplete. If the application is incomplete, the notice shall specify what information or component is required to make the application complete.
- B.** If an agency determines that an application for a license is not administratively complete, the agency shall include a comprehensive list of the specific deficiencies in the written notice provided pursuant to subsection A. If the agency issues a written notice of deficiencies within the administrative completeness time frame, the administrative complete-

ness review time-frame and the overall time-frame are suspended from the date the notice is issued until the date that the agency receives the missing information from the applicant.

- C.** Within the overall time-frames set forth in subsection E of this rule, unless extended by mutual agreement pursuant to A.R.S. § 41-1075, the Department shall notify the applicant in writing that the application is granted or denied. If the application is denied, the Department shall provide written justification for the denial and a written explanation of the applicant's right to a hearing or the applicant's right to appeal.
- D.** In computing the time periods prescribed in these time-frame rules, the last day of a notice period shall be included in the computation, unless it is a Saturday, Sunday or legal holiday.
- E.** A rule adopted by an agency becomes effective when a certified original and 2 copies of the rule are filed in the office of the secretary of state and the time and date are affixed as provided in A.R.S. § 41-1032, unless:
1. A later date is required by the constitution of Arizona, statute or court order or specified in the rule.
 2. A person who will or may be affected by the rule petitions the agency prior to the adoption of the rule for a later effective date and the agency determines that good cause exists for and the public interest will not be harmed by the later date.

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Table A: Licensing Time-frames Table

<u>License</u>	<u>Relevant A.R.S.</u>	<u>Administrative Completeness</u>	<u>Substantive Review</u>	<u>Overall Time Frame</u>
Certificate of Authority*	20-216	330	30	360
Certificate of Exemption	20-401.05	92	30	122
Reinsurance Intermediary	20-486.01	120	60	180
Hospital, Medical, Dental, and Optometric Service Corporation	20-825	270	90	360
Prepaid Dental Plan Organization	20-1004	270	90	360
Life Care Provider Permit*	20-1803	60	30	90
Health Care Services Organization	20-1052	270	90	360
Mechanical Reimbursement Reinsurer	20-1096.04	270	90	360
Prepaid Legal Insurer*	20-1097.02	45	15	60
Service Representative	20-285	120	60	180
Managing General Agent-Firm	20-284	120	60	180
Managing General Agent-Individual	20-288	120	60	180
Risk Management Consultant	20-289	120	60	180
Agent, Broker and Solicitor	20-291	120	60	180
Nonresident Agent and Broker	20-303	120	60	180
Vending Machine	20-306	120	60	180
Limited Travel Agent	20-306.01	120	60	180
Adjuster	20-312	120	60	180
Bail Bond Agent	20-319	120	60	180
Surplus Lines Broker	20-411	120	60	180
Title Insurance Agent	20-1580	120	60	180
Credit Life and Disability Agents	20-1612	120	60	180
Variable Contract Agent	20-2662	120	60	180
Utilization Review Agent	20-2505	30	90	120
Rating Organization*	20-361	30	30	60
Rate Service Organization	20-389	60	60	120
Qualifying Surplus Lines Insurer	20-413	45	30	75
Third Party Administrator	20-485.12	45	45	90
Service Companies	20-1095.01	30	30	60
Risk Retention Group (Foreign)*	20-2403	60	0	60
Risk Purchasing Groups	20-2407	30	30	60
*Statutory Time-Frames				